IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2010 OF 2006

Sham Mahabala Shetty ...Petitioner
Vs.
The Commissioner of Police Mumbai & Anr. ...Respondents

Mr. M.K.Kocharekar for the Petitioner
Mr. A.S.Pai, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 21ST SEPTEMBER, 2006

P.C.

1. The Petitioner has come before this Court claiming that he is running a social club known as "Mamta Social Kendra" at Mahavir Mansion, Main Kasturba Road No.2, Borivli (E), Mumbai-400 066 and carrying out lawful activities for its members. The substantive prayer in the Petition is in the nature that the Police should not prosecute the members of the said Club/Kendra under Section 33(W) r/w Sec. 131 of the Bombay Police Act, 1951 and/or Prevention of Gambling Act, 1887 for carrying on lawful activities of the Club/Kendra. The prayer itself is contradictory. If the Petitioner is carrying out lawful activities then police has no

right to interfere in the affairs of the Club/Kendra. This Court cannot grant any relief to the Petitioner if it is found that he is carrying out with any illegal activities which attract Penal provisions. In that event the police has got every right to conduct the raid and cause arrest of persons found indulging in unlawful activities and seize properties. Therefore, we do not find any justification in entertaining the Petition. The Petitioner appears to seek blanket protection of this Court to have a license to carry out any activities whether lawful or unlawful in the premises.

2. The Petition dismissed.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)